

JS 44 (Rev. 12/12)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Stephen Duczowski and Toni Duczowski, h/w

(b) County of Residence of First Listed Plaintiff Camden County, NJ
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
Michael O. Pansini, Esq., Pansini & Mezrow
15th Floor, 1525 Locust Street
Philadelphia, PA 19102 (215-732-5555)

DEFENDANTS

Norddeutsche Reederei, Norddeutsche Reederei H Schuldt GmbH & Co., KG,
Diablo Fortune Incorporated, Siva Ships International, Siva Shipping and Stealth
Maritime Corp.

County of Residence of First Listed Defendant N/A, Hamburg Germany
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)
Frank P. DeGiulio, Palmer Biezup & Henderson, LLP
190 N. Independence Mall West, Ste. 401
Philadelphia, PA 19106 (215-625-9900)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|---------------------------------------|---------------------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input checked="" type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input checked="" type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input checked="" type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities Employment <input type="checkbox"/> 446 Amer. w/Disabilities Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 U.S.C. §§1332, 1331

Brief description of cause:

Longshoreman's personal injury action following alleged accident on a vessel

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$ In excess of \$75,000 CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

9/16/14

SIGNATURE OF ATTORNEY OF RECORD

/s/ Frank P. DeGiulio

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44**Authority For Civil Cover Sheet**

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I. (a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
 - (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
 - (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an "X" in one of the six boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CASE MANAGEMENT TRACK DESIGNATION FORM

STEPHEN DUCKOWSKI, et al	:	CIVIL ACTION
	:	
v.	:	
NORDDEUTSCHE REEDEREI, et al.	:	NO.
	:	

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) (X)
- (f) Standard Management – Cases that do not fall into any one of the other tracks. ()

<u>9/16/14</u>	<u>Frank DeGiulio</u>	<u>41577</u>
Date	Attorney-at-law	Attorney for
<u>215-625-9900</u>	<u>215-625-0185</u>	<u>fpd@pbh.com</u>
Telephone	FAX Number	E-Mail Address

**Civil Justice Expense and Delay Reduction Plan
Section 1:03 - Assignment to a Management Track**

- (a) The clerk of court will assign cases to tracks (a) through (d) based on the initial pleading.
- (b) In all cases not appropriate for assignment by the clerk of court to tracks (a) through (d), the plaintiff shall submit to the clerk of court and serve with the complaint on all defendants a case management track designation form specifying that the plaintiff believes the case requires Standard Management or Special Management. In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a case management track designation form specifying the track to which that defendant believes the case should be assigned.
- (c) The court may, on its own initiative or upon the request of any party, change the track assignment of any case at any time.
- (d) Nothing in this Plan is intended to abrogate or limit a judicial officer's authority in any case pending before that judicial officer, to direct pretrial and trial proceedings that are more stringent than those of the Plan and that are designed to accomplish cost and delay reduction.
- (e) Nothing in this Plan is intended to supersede Local Civil Rules 40.1 and 72.1, or the procedure for random assignment of Habeas Corpus and Social Security cases referred to magistrate judges of the court.

**SPECIAL MANAGEMENT CASE ASSIGNMENTS
(See §1.02 (e) Management Track Definitions of the
Civil Justice Expense and Delay Reduction Plan)**

Special Management cases will usually include that class of cases commonly referred to as "complex litigation" as that term has been used in the Manuals for Complex Litigation. The first manual was prepared in 1969 and the Manual for Complex Litigation Second, MCL 2d was prepared in 1985. This term is intended to include cases that present unusual problems and require extraordinary treatment. See §0.1 of the first manual. Cases may require special or intense management by the court due to one or more of the following factors: (1) large number of parties; (2) large number of claims or defenses; (3) complex factual issues; (4) large volume of evidence; (5) problems locating or preserving evidence; (6) extensive discovery; (7) exceptionally long time needed to prepare for disposition; (8) decision needed within an exceptionally short time; and (9) need to decide preliminary issues before final disposition. It may include two or more related cases. Complex litigation typically includes such cases as antitrust cases; cases involving a large number of parties or an unincorporated association of large membership; cases involving requests for injunctive relief affecting the operation of large business entities; patent cases; copyright and trademark cases; common disaster cases such as those arising from aircraft crashes or marine disasters; actions brought by individual stockholders; stockholder's derivative and stockholder's representative actions; class actions or potential class actions; and other civil (and criminal) cases involving unusual multiplicity or complexity of factual issues. See §0.22 of the first Manual for Complex Litigation and Manual for Complex Litigation Second, Chapter 33.

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

Stephen Duczowski, et al

Plaintiff

Norddeutsche Reederei, et al

Defendant

)
)
)
)
)
)

Civil Action No.

CONSENT, AND REFERENCE OF A CIVIL ACTION TO A MAGISTRATE JUDGE

The following parties consent (subject to approval by the assigned Article III judicial officer) to have a United States magistrate judge conduct all proceedings in this case including trial, the entry of final judgment, and all post-trial proceedings.

Parties' Printed Names:

Signatures of Parties or Attorneys:

Dates:

Reference Order

IT IS ORDERED: This case is referred to a United States magistrate judge _____
to conduct all proceedings and order the entry of a final judgment in accordance with 28 U.S.C. § 636(c) and Fed. R.
Civ. P. 73.

District Judge's signature

Date: _____

(Printed Name and Title)

Note: Return this form to the clerk of court only if you are consenting to the exercise of jurisdiction by a United States magistrate judge.

Do not return this form to a judge.

(05/2013)

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 7 Craig Drive, Laurel Springs, NJ 08021

Address of Defendant: Rolandsbruecke 4, Hamburg, 20095 Germany

Place of Accident, Incident or Transaction: Packer Avenue Marine Terminal, Philadelphia, Pennsylvania
(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes ☐ No ☒

Does this case involve multidistrict litigation possibilities?

Yes ☐ No ☒

RELATED CASE, IF ANY: **NONE**

Case Number: _____ Judge _____ Date Terminated: _____

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?

Yes ☐ No ☒

2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?

Yes ☐ No ☒

3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?

Yes ☐ No ☒

4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?

Yes ☐ No ☒

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☐ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☒ All other Federal Question Cases

(Please specify) Longshore & Harbor Workers' Compensation Act, 33 U.S.C. §905(b)

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases

(Please specify) _____

ARBITRATION CERTIFICATION

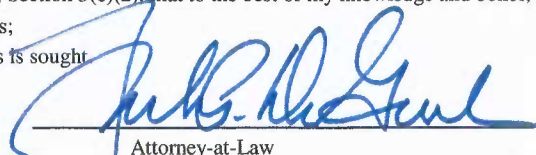
(Check Appropriate Category)

I, Frank P. DeGiulio, counsel of record do hereby certify:

☒ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;

☐ Relief other than monetary damages is sought

DATE: 9/16/14


Attorney-at-Law

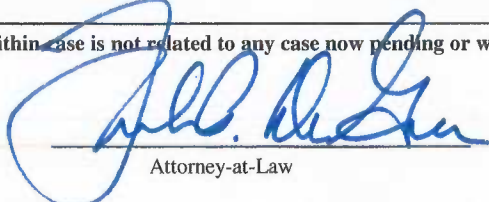
41577

Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 9/16/14


Attorney-at-Law

41577

Attorney I.D.#

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

STEPHEN DUCZKOWSKI and	:	
TONI DUCZKOWSKI, h/w,	:	
Plaintiffs,	:	
vs.	:	CIVIL ACTION
NORDDEUTSCHE REEDEREI, and	:	
NORDDEUTSCHE REEDEREI H	:	No. _____
SCHULDT GMBH & CO., KG, and	:	
DIABLO FORTUNE INCORPORATED,	:	
and SIVA SHIPS INTERNATIONAL,	:	
and SIVA SHIPPING, and	:	
STEALTH MARITIME CORP.	:	
Defendants	:	

NOTICE OF REMOVAL

TO THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

Defendant, Norddeutsche Reederei H. Schuldt GmbH & Co. KG., (improperly named in the Complaint as “Norddeutsche Reederei”, which is not a legal entity) and by and through their undersigned attorneys, Palmer Biezup & Henderson LLP, respectfully aver as follows:

1. Plaintiffs Stephen Duczkowski and Toni Duczkowski, husband and wife, filed a Complaint in the Court of Common Pleas for Philadelphia County, Pennsylvania, on or about August 25, 2014, under Docket Number 140802923, naming Norddeutsche Reederei and Norddeutsche Reederei H. Schuldt GmbH & Co. KG., among others, as defendants. See Plaintiffs’ Complaint attached hereto as Exhibit “A”.

2. Plaintiffs are citizens and residents of the State of New Jersey and reside at 7 Craig Drive, Laurel Springs, NJ 08021. See Exhibit “A”, ¶¶ 1-2.

3. At all times material hereto, Defendant Norddeutsche Reederei H. Schuldt GmbH & Co. KG (improperly named as “Norddeutsche Reederei” in the Complaint) was a foreign

corporation/entity organized and existing outside of the United States with a principal place of business and citizenship located in the Republic of Germany. See Complaint at ¶¶3-4.

4. At all times material hereto, upon information and belief, Defendant Diablo Fortune Inc. (improperly named in the Complaint as “Diablo Fortune Incorporated”) was a foreign corporation/entity organized and existing outside of the United States with principal places of business located in the Marshall Islands, and was a citizen of the Marshall Islands. See Complaint at ¶5 and Consent to Remove attached as Exhibit “D”.

5. At all times material hereto, upon information and belief, Defendant Siva Ships International Pte., Ltd. (improperly named in the Complaint as “Siva Ships International”), was a foreign corporation/entity organized and existing outside of the United States with principal places of business located in Singapore, and was a citizen of Singapore. See Complaint at ¶5 and Consent to Remove attached as Exhibit “D”.

6. At all times material hereto, upon information and belief, Defendant Siva Shipping was a foreign corporation/entity organized and existing outside of the United States with principal places of business located in Singapore, and was a citizen of Singapore. See Complaint at ¶5 and Consent to Remove attached as Exhibit “D”.

7. At all times material hereto, upon information and belief, Defendant Stealth Maritime Corp. was a foreign corporation/entity organized and existing outside of the United States with principal places of business located in the Greece, and was a citizen of Greece. See Complaint at ¶5 and Consent to Remove attached as Exhibit “D”.

8. Defendant Norddeutsche Reederei H. Schuldt GmbH & Co. KG., received a copy of Plaintiffs’ Complaint via certified mail in Hamburg, Germany, on or about August 29, 2014. (See copy of service letter stamped August 29, 2014, attached as Exhibit “B”.) This was the

earliest date on which said Defendant received notice of the existence of the Complaint and the lawsuit against them.

9. Plaintiffs allege that Stephen Duczkowski, an employee of stevedore Gloucester Terminals, was injured on or about March 13, 2013, while “using the gangway of the M/V Cap Irene.” See Exhibit “A” at ¶¶ 12-14. Plaintiffs’ allegations necessarily mean that Plaintiff Stephen Duczkowski claims to have been working as a longshoreman employee of stevedore Gloucester Terminals while aboard the M/V CAP IRENE, See Exhibit “A”.

10. Plaintiffs allege that at the time of the alleged accident, the subject vessel, M/V CAP IRENE, was located alongside in navigable waters of the United States while moored at the Packer Avenue Terminal, located in Philadelphia, Pennsylvania. See Exhibit “A” at ¶¶ 11.

11. Plaintiffs allege in the Complaint that “Plaintiff Stephen Duczkowski suffered severe and permanent injuries to his head, neck, back, arms and legs; he also sustained severe and permanent injuries to the bones, muscles, tendons, ligaments, nerves and tissues of his head, neck, back, arms, elbows and legs; including but not limited to the traumatic brain injury, post traumatic headaches, concussion, cognitive deficits, fractures of nasal bones, septal fractures, anterior nasal spine fractures, rib fractures, hearing loss, eustachian tube dysfunction, vision dysfunction, hematuria, trauma to chest wall, depression, nervous shock and aggravation and/or exacerbation of all known and unknown preexisting medical conditions,” as well as other internal injuries, mental anguish and anxiety, which Plaintiff alleges are permanent in nature. Plaintiff further alleges that he has been compelled to expend large sums of money for medical treatment and medicine, has been prevented from attending to his usual and daily duties, activities and occupation “all to his great financial detriment and loss.” See Exhibit “A” at ¶¶ 15-18. Based on said allegations contained in Plaintiffs’ Complaint, the amount in controversy

clearly exceeds the sum or value of \$75,000. See *Harvey v. Liberty Mut. Grp., Inc.*, 13-CV-04693, 2014 WL 1244059 (E.D. Pa. Mar. 26, 2014, Joyner).

12. Plaintiff Toni Duczkowski's claims, as set forth in the Complaint, are for expenses incurred "in the treatment of her spouses' injuries, and may in the future be caused to incur additional expenses as she has in the past" and "to her great damage and loss, has been deprived of the society, companionship, services and assistance of her spouse, to which she is legally entitled." See Complaint, Exhibit "A", at ¶¶ 26-27. Based on said allegations contained in Plaintiffs' Complaint, the amount in controversy clearly exceeds the sum or value of \$75,000. See *Harvey v. Liberty Mut. Grp., Inc.*, 13-CV-04693, 2014 WL 1244059 (E.D. Pa. Mar. 26, 2014, Joyner)

13. Plaintiff's lawsuit is removable pursuant to 28 U.S.C. § 1332 and 28 U.S.C. § 1441(b) because there is diversity of citizenship between Plaintiffs and all Defendants, no Defendant properly joined and served is a citizen of Pennsylvania, and the amount in controversy exceeds \$75,000, exclusive of interest and costs.

14. Upon information and belief, Defendants Diablo Fortune Inc. (improperly named in the Complaint as "Diablo Fortune Incorporated), Siva Ships International Pte., Ltd. (improperly named in the Complaint as "Siva Ships International"), Siva Shipping and Stealth Maritime Corp. have not been properly served with the Summons and Complaint in this matter. No lawyers have entered an appearance for said Defendants in the action pending in the Philadelphia Court of Common Pleas. See the docket information obtained from the Philadelphia Court of Common Pleas attached as Exhibit "C" which confirms no attorneys have entered for Defendants Diablo Fortune Inc., (improperly named in the Complaint as "Diablo Fortune Incorporated), Siva Ships International Pte., Ltd. (improperly named in the Complaint as "Siva

Ships International”), Siva Shipping and Stealth Maritime Corp. in this matter and that no affidavits of service have been filed. However, while disputing that some or all of them are proper parties to this matter, these Defendants have consented to the removal of this action. See Consents to Remove attached as Exhibit “D”.

15. The sum in controversy, exclusive of interest and costs, exceeds \$75,000 based on the injuries, losses and damages claimed by Plaintiffs in ¶¶ 15-18 and 27 of the Complaint. See Exhibit “A”.

16. Alternatively, a claim by a longshoreman like plaintiff Stephen Duczkowski for alleged personal injuries sustained while working aboard a vessel located within the navigable waters of the United States is within the admiralty or maritime jurisdiction of this Court, which has original jurisdiction over such a case as set forth in 28 U.S.C. § 1333(1).

17. Plaintiffs’ lawsuit is removable as provided by 28 U.S.C. § 1441(a), inasmuch as this Court has original jurisdiction of any case of admiralty or maritime jurisdiction and no Act of Congress expressly prohibits removal of this lawsuit.

18. Alternatively Plaintiffs’ claims were necessarily brought pursuant and subject to the provisions and limitations of the Longshore and Harbor Workers’ Compensation Act, 33 U.S.C. § 901 et seq. (“LHWCA”) and, in particular, pursuant and subject to 33 U.S.C. § 905(b), which provides a longshoreman’s exclusive remedy against a vessel. Therefore, Plaintiffs’ lawsuit is based on and subject to a claim or right arising under the laws of the United States and such claim or right is within the original jurisdiction conferred on the district courts of the United States by 28 U.S.C. § 1331.

19. Plaintiffs’ lawsuit is removable as provided by 28 U.S.C. § 1441(a), inasmuch as this Court has original jurisdiction of a case based on and subject to a claim or right arising under

the laws of the United States (28 U.S.C. § 1331) and no Act of Congress expressly prohibits removal of this lawsuit.

20. While not admitting that Defendant Norddeutsche Reederei H. Schuldt GmbH & Co. KG. (improperly named in the Complaint as “Norddeutsche Reederei”, an entity which does not exist) was properly served with the Complaint in this matter, or that this Defendant is a proper parties to this matter, said Defendant asserts that Removal is timely because this Notice of Removal is being filed within 30 days of August 29, 2014, the earliest date on which Defendant Norddeutsche Reederei H. Schuldt GmbH & Co. KG received notice, but not service, of the Complaint. See 28 U.S.C. § 1446(b).

21. The Consent for Removal signed by or on behalf of Defendants Diablo Fortune Inc., (improperly named in the Complaint as “Diablo Fortune Incorporated), Siva Ships International Pte., Ltd. (improperly named in the Complaint as “Siva Ships International”), Siva Shipping and Stealth Maritime Corp. are attached to this Notice of Removal as Exhibit “D”.

22. Venue is properly laid in this district because Plaintiff alleges that the events giving rise to his claim occurred in this district, 28 U.S.C. § 1391(b), and this lawsuit is being removed from the Philadelphia Court of Common Pleas, which is located within the Eastern District of Pennsylvania. 28 U.S.C. § 1441(a).

23. Pursuant to 28 U.S.C. § 1446(a), a copy of all process, pleadings, and orders served upon Defendants are attached hereto. See Exhibit “E”.

24. Pursuant to 28 U.S.C. § 1446(d) Defendant Norddeutsche Reederei H. Schuldt GmbH & Co. KG., (improperly named in the Complaint as “Norddeutsche Reederei”, an entity which does not exist) will file a copy of this Notice of Removal with the Prothonotary’s Office

for the Philadelphia Court of Common Pleas and will serve Plaintiff's counsel with a copy of the Notice of Removal and Notice filed in the State Court.

WHEREFORE, Defendant Norddeutsche Reederei H. Schuldt GmbH & Co. KG., (improperly named in the Complaint as "Norddeutsche Reederei", an entity which does not exist), with the consent of the remaining existing Defendants, remove to this Honorable Court the action now pending in the Philadelphia Court of Common Pleas, under Docket Number 140802923.

Respectfully submitted,

PALMER BIEZUP & HENDERSON LLP

By: /s/ Frank P. DeGiulio
Frank P. DeGiulio (#41577)
Charles P. Neely (#69981)
190 North Independence Mall West
Suite 401
Philadelphia, PA 19106
(215) 625-9900
fpd@pbh.com
cneely@pbh.com
Attorneys for Defendant
Norddeutsche Reederei H. Schuldt
GmbH & Co. KG.

Dated: September 16, 2014

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Notice of Removal was served on September 16, 2014, by first-class mail, postage prepaid, addressed to:

Michael O. Pansini, Esq.
Pansini & Mezrow
15th Floor, 1525 Locust Street
Philadelphia, PA 19102

PALMER BIEZUP & HENDERSON LLP

By: /s/ Frank P. DeGiulio
Frank P. DeGiulio (#41577)
Charles P. Neely (#69981)

EXHIBIT “A”

Court of Common Pleas of Philadelphia County
Trial Division
Civil Cover Sheet

For Prothonotary Use Only (Docket Number)
AUGUST 2014
E-Filed Number: 1408045226 **002923**

PLAINTIFF'S NAME STEPHEN DUCZKOWSKI		DEFENDANT'S NAME NORDDEUTSCHE REEDEREI	
PLAINTIFF'S ADDRESS 7 CRAIG DRIVE LAUREL SPRINGS NJ 08021		DEFENDANT'S ADDRESS ROLANDBRUECKE 4 HAMBURG 20095	
PLAINTIFF'S NAME TONI DUCZKOWSKI		DEFENDANT'S NAME NORDDEUTSCHE REEDEREI H. SCHULDT GMBH & CO. KG	
PLAINTIFF'S ADDRESS 7 CRAIG DRIVE LAUREL SPRINGS NJ 08021		DEFENDANT'S ADDRESS ROLANDBRUECKE 4 HAMBURG 20095	
PLAINTIFF'S NAME		DEFENDANT'S NAME DIABLO FORTUNE INCORPORATED	
PLAINTIFF'S ADDRESS		DEFENDANT'S ADDRESS TRUST COMPANY COMPLEX AJELTAKE ROAD AJELTAKE ISLAND MAJURO MH96960	
TOTAL NUMBER OF PLAINTIFFS 2	TOTAL NUMBER OF DEFENDANTS 6	COMMENCEMENT OF ACTION <input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Petition Action <input type="checkbox"/> Notice of Appeal <input type="checkbox"/> Writ of Summons <input type="checkbox"/> Transfer From Other Jurisdictions	
AMOUNT IN CONTROVERSY <input type="checkbox"/> \$50,000.00 or less <input checked="" type="checkbox"/> More than \$50,000.00	COURT PROGRAMS <input type="checkbox"/> Arbitration <input type="checkbox"/> Mass Tort <input type="checkbox"/> Commerce <input type="checkbox"/> Settlement <input checked="" type="checkbox"/> Jury <input type="checkbox"/> Savings Action <input type="checkbox"/> Minor Court Appeal <input type="checkbox"/> Minors <input type="checkbox"/> Non-Jury <input type="checkbox"/> Petition <input type="checkbox"/> Statutory Appeals <input type="checkbox"/> W/D/Survival <input type="checkbox"/> Other:		
CASE TYPE AND CODE 20 - PERSONAL INJURY - OTHER			
STATUTORY BASIS FOR CAUSE OF ACTION			
RELATED PENDING CASES (LIST BY CASE CAPTION AND DOCKET NUMBER)		FILED PRO PROTHY AUG 25 2014 D. SAVAGE	
		IS CASE SUBJECT TO COORDINATION ORDER? YES NO	
TO THE PROTHONOTARY: Kindly enter my appearance on behalf of Plaintiff/Petitioner/Appellant: <u>STEPHEN DUCZKOWSKI , TONI DUCZKOWSKI</u> Papers may be served at the address set forth below.			
NAME OF PLAINTIFF'S/PETITIONER'S/APPELLANT'S ATTORNEY MICHAEL O. PANSINI		ADDRESS PANSINI & MEZROW 1525 LOCUST ST 15TH FLOOR PHILADELPHIA PA 19102	
PHONE NUMBER (215) 732-5555	FAX NUMBER (215) 732-7872		
SUPREME COURT IDENTIFICATION NO. 44455		E-MAIL ADDRESS MPansini@Pansinilaw.com	
SIGNATURE OF FILING ATTORNEY OR PARTY MICHAEL PANSINI		DATE SUBMITTED Monday, August 25, 2014, 10:08 am	

FINAL COPY (Approved by the Prothonotary Clerk)

COMPLETE LIST OF DEFENDANTS:

1. STEALTH MARITIME CORP.
331 KIFISIAS AVENUE
KIFISIA 14561
2. SIVA SHIPPING
PTE LTD 8 TEMASEK BLVD. #22-02 SUNTEC TOWER THREE
SINGAPORE 038988
3. SIVA SHIPS INTERNATIONAL
PTE LTD. 8 TEMASEK BLVD. #22-02 SUNTEC TOWER THREE
SINGAPORE 038988
4. DIABLO FORTUNE INCORPORATED
TRUST COMPANY COMPLEX AJELTAKE ROAD AJELTAKE ISLAND
MAJURO MH96960
5. NORDDEUTSCHE REEDEREI H. SCHULDT GMBH & CO. KG
ROLANDBRUECKE 4
HAMBURG 20095
6. NORDDEUTSCHE REEDEREI
ROLANDBRUECKE 4
HAMBURG 20095

PANSINI & MEZROW
 BY: MICHAEL O. PANSINI, ESQUIRE
 I.D. #44455
 BY: GREGORY J. KOWALSKI, ESQUIRE
 I.D. #54271
 1525 LOCUST STREET
 15TH FLOOR
 PHILADELPHIA, PA 19102

THIS IS A MAJOR JURY TRIAL



Attorneys for Plaintiffs

STEPHEN DUCZKOWSKI
 and
 TONI DUCZKOWSKI, h/w
 7 Craig Drive
 Laurel Springs, NJ 08021

COURT OF COMMON PLEAS
 PHILADELPHIA COUNTY

vs.

NORDDEUTSCHE REEDEREI
 Rolandsbruecke 4
 Hamburg, 20095 Germany
 and
 NORDDEUTSCHE REEDEREI H.
 SCHULDT GMBH & CO. KG
 Rolandsbruecke 4
 Hamburg, 20095 Germany

COMPLAINT AND JURY DEMAND

and
 DIABLO FORTUNE INCORPORATED
 Trust Company Complex
 Ajeltake Road
 Ajeltake Island, Majuro, MH96960,
 Marshall Islands

No.:

and
 SIVA SHIPS INTERNATIONAL
 Pte Ltd, 8 Temasek Blvd.
 # 22-02 Suntec Tower Three
 Singapore – 038988

and
 SIVA SHIPPING
 Pte Ltd, 8 Temasek Blvd.
 # 22-02 Suntec Tower Three
 Singapore – 038988

(CONTINUED)

and
STEALTH MARITIME CORP.
331 Kifisias Ave.
14561 Kifisia, Greece

:
:
:
:

CIVIL ACTION COMPLAINT - NOTICE TO DEFEND
20- OTHER PERSONAL INJURY

YOU HAVE BEEN SUED IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIMS SET FORTH IN THE FOLLOWING PAGES, YOU MUST TAKE ACTION WITHIN TWENTY (20) DAYS AFTER THIS COMPLAINT AND NOTICE ARE SERVED, BY ENTERING A WRITTEN APPEARANCE PERSONALLY OR BY AN ATTORNEY AND FILING IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. YOU ARE WARNED THAT IF YOU FAIL TO DO SO THE CASE MAY PROCEED WITHOUT YOU AND A JUDGMENT MAY BE ENTERED AGAINST YOU BY THE COURT WITHOUT FURTHER NOTICE FOR ANY MONEY CLAIMED OR FOR ANY OTHER CLAIM OR RELIEF REQUESTED BY THE PLAINTIFF. YOU MAY LOSE MONEY OR PROPERTY OR OTHER RIGHTS IMPORTANT TO YOU.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Philadelphia Bar Association
Lawyer Referral and Information Service
One Reading Center
Philadelphia, Pennsylvania 19107
(215) 238-1701

LE HAN DEMANDADO A USTED EN LA CORTE. SI USTED QUIERE DEFENDERSE DE ESTAS DEMANDAS EXPUESTAS EN LAS PAGINAS SIGUIENTES, USTED TIENE VIENTE (20) DIAS, DE PLAZO AL PARTIR DE LA FECHA DE LA DEMANDA Y LA NOTIFICACION. HACE FALTA ASENTAR UNA COMPARENCIA ESCRITA O EN FORMA ESCRITA SUS DEFENSAS O SUS OBJECIONES A LAS DEMANDAS EN CONTRA DE SU PERSONA. SEA AVISADO QUE SI USTED NO SE DEFIENDE, LA CORTE TOMARA MEDIDAS Y PUEDE CONTINUAR LA DEMANDA EN CONTRA SUYA SIN PREVIO AVISO O NOTIFICACION. ADEMAS, LA CORTE PUEDE DICIDIR A FAVOR DEL DEMANDANTE Y REQUIERE QUE USTED CUMPLA CON TODAS LAS PROVISIONES DE ESTA DEMANDA. USTED PUEDE PERDER DINERO O SUS PROPIEDADES U OTROS DERECHOS IMPORTANTES PARA USTED.

LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE. SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFICIENTE DE TELEFONO A LA OFICINA CUYA DIRECCION SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL.

Asociacion de Licenciados de Filadelfia
Servicio de Referencia e Informacion Legal
One Reading Center
Filadelfia, Pennsylvania 19107
(215) 238-1701

PANSINI & MEZROW
 BY: MICHAEL O. PANSINI, ESQUIRE
 I.D. #44455
 BY: GREGORY J. KOWALSKI, ESQUIRE
 I.D. #54271
 1525 LOCUST STREET
 15TH FLOOR
 PHILADELPHIA, PA 19102

THIS IS A MAJOR JURY TRIAL

Attorneys for Plaintiffs

STEPHEN DUCZKOWSKI
 and
 TONI DUCZKOWSKI, h/w
 7 Craig Drive
 Laurel Springs, NJ 08021

vs.

NORDDEUTSCHE REEDEREI
 Rolandsbruecke 4
 Hamburg, 20095 Germany
 and
 NORDDEUTSCHE REEDEREI H.
 SCHULDT GMBH & CO. KG
 Rolandsbruecke 4
 Hamburg, 20095 Germany

and
 DIABLO FORTUNE INCORPORATED
 Trust Company Complex
 Ajeltake Road
 Ajeltake Island, Majuro, MH96960,
 Marshall Islands

and
 SIVA SHIPS INTERNATIONAL
 Pte Ltd, 8 Temasek Blvd.
 # 22-02 Suntec Tower Three
 Singapore – 038988

and
 SIVA SHIPPING
 Pte Ltd, 8 Temasek Blvd.
 # 22-02 Suntec Tower Three
 Singapore – 038988

COURT OF COMMON PLEAS
 PHILADELPHIA COUNTY

COMPLAINT AND JURY DEMAND

No.:

(CONTINUED)

and :
STEALTH MARITIME CORP. :
331 Kifisias Ave. :
14561 Kifisia, Greece :

CIVIL ACTION COMPLAINT

1. Plaintiff, Stephen Duczkowski, is an adult individual residing at 7 Craig Drive, Laurel Springs, NJ 08021.

2. Plaintiff, Toni Duczkowski, is an adult individual residing at 7 Craig Drive, Laurel Springs, NJ 08021.

3. Defendant, Norddeutsche Reederei, is a business entity believed to be organized and existing under the laws of a foreign jurisdiction, with its primary place of business located at Rolandsbruecke 4, Hamburg, 20095 Germany.

4. Defendant, Norddeutsche Reederei H. Schuldt GmbH & Co. KG, is a business entity believed to be organized and existing under the laws of a foreign jurisdiction, with its primary place of business located at Rolandsbruecke 4, Hamburg, 20095 Germany.

5. Defendant, Diablo Fortune Incorporated, is a business entity believed to be organized and existing under the laws of a foreign jurisdiction, with its primary place of business located at Trust Company Complex, Ajeltake Road, Ajeltake Island, Majuro, MH96960, Marshall Islands.

6. Defendant, Siva Ships International, is a business entity believed to be organized and existing under the laws of a foreign jurisdiction, with its primary place of business located at Pte Ltd, 8 Temasek Blvd, # 22-02 Suntec Tower Three, Singapore – 038988.

7. Defendant, Siva Shipping, is a business entity believed to be organized and

existing under the laws of a foreign jurisdiction, with its primary place of business located at Pte Ltd, 8 Temasek Blvd, # 22-02 Suntec Tower Three, Singapore – 038988.

8. Defendant, Stealth Maritime Corp., is a business entity believed to be organized and existing under the laws of a foreign jurisdiction, with its primary place of business located at SEA, 331 Kifisias Ave., 14561, Kifisia, Greece.

9. At all times material hereto, Defendants, Norddeutsche Reederei and Norddeutsche Reederei H. Schuldt GmbH & Co. KG, owned, managed, operated, chartered, possessed, and/or controlled the M/V Cap Irene and acted by and through their employees, servants and/or agents who were in the course and scope of their employment, including but not limited to the crew of the M/V Cap Irene.

10. At all times material hereto, Defendants, Diablo Fortune Incorporated, Siva Ships International, Siva Shipping and Stealth Maritime Corp., owned, managed, operated, chartered, possessed, and/or controlled the M/V V8 Stealth II and acted by and through their employees, servants and/or agents who were in the course and scope of their employment, including but not limited to the crew of the M/V V8 Stealth II.

11. On or about March 13, 2013, the M/V Cap Irene was in navigable waters of the United States and moored at the Packer Avenue Terminal in Philadelphia, PA.

12. On or about March 13, 2013, and at all times mentioned herein, Plaintiff, Stephen Duczkowski, was an employee of Greenwich Terminals in the capacity of a longshoremen and was aboard the M/V Cap Irene as a business visitor in connection with the performance of cargo operations being conducted thereon.

13. On or about March 13, 2013, and at all times mentioned herein, the M/V V8 Stealth II was in navigable waters moving adjacent to the Packer Avenue Terminal in

Philadelphia, PA at a high rate of speed.

14. On or about March 13, 2013, Plaintiff, Stephen Duczkowski, while working in the course of performing his duties as aforesaid, was caused to sustain serious injuries while using the gangway of the M/V Cap Irene due to the carelessness and negligence of the Defendants, Norddeutsche Reederei, Norddeutsche Reederei H. Schuldt GmbH & Co. KG, Diablo Fortune Incorporated, Siva Ships International, Siva Shipping and Stealth Maritime Corp, by their agents, servants, workmen and employees.

15. By reason of the aforesaid negligence of the Defendants as hereinafter alleged, the Plaintiff, Stephen Duczkowski, suffered severe and permanent injuries to his head, neck, back, arms and legs; he also sustained severe and permanent injuries to the bones, muscles, tendons, ligaments, nerves and tissues of his head, neck, back, arms, elbows and legs; including but not limited to injuries to the traumatic brain injury, post traumatic headaches, concussion, cognitive deficits, fractures of nasal bones, septal fractures, anterior nasal spine fractures, rib fractures, hearing loss, eustachian tube dysfunction, vision dysfunction, hematuria, trauma to chest wall, depression, nervous shock and aggravation and/or exacerbation of all known and unknown preexisting medical conditions. The Plaintiff, Stephen Duczkowski, suffered internal injuries of an unknown nature; he suffered severe aches, pains, mental anxiety and anguish, and a severe shock to his entire nervous system, and other injuries the full extent of which are not yet known. He has in the past and will in the future undergo severe pain and suffering as a result of which he has been in the past and will in the future be unable to attend to his usual duties and occupation, all to his great financial detriment and loss. The Plaintiff, Stephen Duczkowski, believes and therefore avers that his injuries are permanent in nature.

16. As a result of the aforesaid occurrence, the Plaintiff, Stephen Duczkowski, has been compelled, in order to effectuate a cure for the aforesaid injuries, to expend large sums of money for medicine and medical attention and may be required to expend additional sums for the same purposes in the future.

17. As a result of the aforesaid occurrence, the Plaintiff, Stephen Duczkowski, has been prevented from attending to his usual and daily activities and duties, and may be so prevented for an indefinite time in the future, all to him great detriment and loss.

18. As a result of the aforesaid occurrence, the Plaintiff, Stephen Duczkowski, has suffered physical pain, mental anguish and humiliation and he may continue to suffer same for an indefinite period of time in the future.

COUNT I

**STEPHEN DUCZKOWSKI v. DEFENDANTS, NORDDEUTSCHE REEDEREI AND
NORDDEUTSCHE REEDEREI H. SCHULTZ GMBH & CO. KG**

19. Plaintiff, Stephen Duczkowski, hereby incorporates each of the averments contained in the previous averments in Plaintiffs' Complaint as if fully set forth herein at length.

20. The carelessness and negligence of the Defendants, Norddeutsche Reederei and Norddeutsche Reederei H. Schuldt GmbH & Co. KG, by and through its agents, servants, workmen and/or employees, consisted of the following:

- (a) failing to properly inspect the gangway and adjacent areas;
- (b) failing to warn invitees, such as Stephen Duczkowski of the defective and/or hazardous condition(s) concerning the gangway and adjacent areas of which it was aware or should have been aware;

- (c) failing to correct, remedy, repair and/or eliminate the defective and/or hazardous condition(s) of the gangway and adjacent areas of which it was aware or should have been aware;
- (d) failing to maintain the gangway and adjacent areas in a condition which would protect and safeguard persons lawfully upon the premises and prevent them from falling;
- (e) allowing and committing the aforesaid defect(s) to remain on or about the gangway and adjacent areas so as to constitute a menace, danger, nuisance, trap and/or hazard to persons lawfully upon the premises; and,
- (f) failing to properly affix said gangway.

21. Defendants, Norddeutsche Reederei and Norddeutsche Reederei H. Schuldt GmbH & Co. KG's negligence and conduct as described herein was a proximate cause of Plaintiff, Stephen Duczkowski's injuries.

WHEREFORE, Plaintiff, Stephen Duczkowski, demands judgment in his favor and against the Defendants, individually, jointly and severally, for a sum in excess of FIFTY THOUSAND (\$50,000.00) DOLLARS plus delay damages, interest and costs and brings this action to recover same.

COUNT II
STEPHEN DUCZKOWSKI v. DEFENDANTS,
DIABLO FORTUNE INCORPORATED, SIVA SHIPS INTERNATIONAL, SIVA
SHIPPING AND STEALTH MARITIME CORP.

22. Plaintiff, Stephen Duczkowski, hereby incorporates each of the averments contained in the previous averments in Plaintiffs' Complaint as if fully set forth herein at

length.

23. The carelessness and negligence of the Defendant, Diablo Fortune Incorporated, Siva Ships International, Siva Shipping and Stealth Maritime Corp, by and through its agents, servants, workmen and/or employees, consisted of the following:

- (a) operating the V8 Stealth II at an excessive speed;
- (b) operating the V8 Stealth II so as to create a large wake;
- (c) failing to properly train their crew in safe operation of the V. Stealth II;
- (d) failing to properly control and maintain the V8 Stealth II.

24. Defendants, Diablo Fortune Incorporated, Siva Ships International, Siva Shipping and Stealth Maritime Corp's negligence and conduct as described herein was the proximate cause of Plaintiff, Stephen Duczkowski's injuries.

WHEREFORE, Plaintiff, Stephen Duczkowski, demands judgment in his favor and against the Defendants, individually, jointly and severally, for a sum in excess of FIFTY THOUSAND (\$50,000.00) DOLLARS plus delay damages, interest and costs and brings this action to recover same.

COUNT III
TONI DUCZKOWSKI vs. ALL DEFENDANTS

25. Plaintiff, Toni Duczkowski, hereby incorporates each of the allegations contained in the previous averments in Plaintiffs' Complaint as if fully set forth herein at length.

26. Plaintiff, Toni Duczkowski, is the spouse of Stephen Duczkowski, and as such, has incurred expenses in the treatment of her spouse's injuries, and may in the

future be caused to incur additional expenses as she has in the past.

27. As a result of the occurrence aforesaid in the injuries averred aforesaid, the Plaintiff, Toni Duczkowski, to her great damage and loss, has been deprived of the society, companionship, services and assistance of her spouse, to which she is legally entitled.

WHEREFORE, Plaintiff, Toni Duczkowski, demands judgment in her favor and against the Defendants, individually, jointly and severally, for a sum in excess of FIFTY THOUSAND (\$50,000.00) DOLLARS plus delay damages, interest and costs and brings this action to recover same.

PANSINI & MEZROW

DATE: 8/25/14

**BY: /s/ Michael O. Pansini
MICHAEL O. PANSINI, ESQUIRE
Attorney for Plaintiffs**

COMMONWEALTH OF PENNSYLVANIA

:

SS

COUNTY OF PHILADELPHIA

:

Stephen Duczkowski, being duly sworn according to law, deposes and says that he is the Plaintiff in the foregoing action, and that the facts set forth in the Civil Action Complaint are true and correct to the best of her knowledge, information and belief. I understand that statements herein are made subject to the penalties of 18 Pa.C.S.A. §4904 relating to unsworn falsification to authorities.



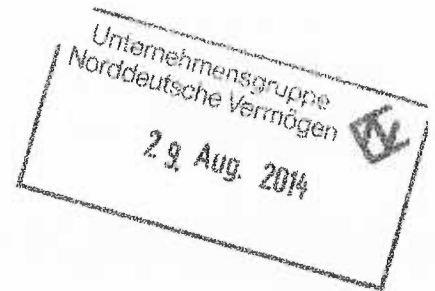
DATE: 8-22-14

EXHIBIT “B”

PANSINI & MEZROW
ATTORNEYS AT LAW
15TH FLOOR
1525 LOCUST STREET
PHILADELPHIA, PENNSYLVANIA 19102

MICHAEL O. PANSINI*
STEVEN M. MEZROW**
GREGORY J. KOWALSKI
ADAM C. DAVIS**

(215) 732-5555
(215) 732-5550
FAX (215) 732-7872



*ALSO MEMBER OF NJ, NY & DC BARS
**ALSO MEMBER OF NJ BAR

August 25, 2014

VIA CERTIFIED MAIL AND REGULAR MAIL
Norddeutsche Reederei H. Schuldt GMBH & Co. KG
Rolandsbruecke 4
Hamburg, 20095 Germany

**RE: Stephen Duczkowski and Toni Duczkowski v. Norddeutsche
Reederei, Norddeutsche Reederei H. Schuldt GMBH & Co. KG,
Diablo Fortune Incorporated, Siva Ships International, Siva
Shipping and Stealth Maritime Corp.
Phila.C.C.P. August Term, 2014, No. 02923**

Dear Sir/Madam:

Attached please find a copy of a Complaint filed against you with the Philadelphia County Court of Common Pleas in the above-captioned matter. You have twenty (20) days from the date of service to answer this Complaint. If you do not answer the Complaint, a default judgment may be entered against you.

Very truly yours,

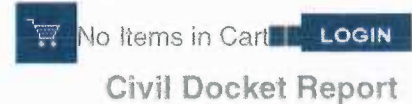
PANSINI & MEZROW

Handwritten signature of Michael O. Pansini.

MICHAEL O. PANSINI

MOP/kas
Enclosure

EXHIBIT “C”



A \$5 Convenience fee will be added to the transaction at checkout.

Case Description

Case ID: 140802923
Case Caption: DUCZKOWSKI ETAL VS NORDDEUTSCHE REEDEREI ETAL
Filing Date: Monday , August 25th, 2014
Court: MAJOR JURY-STANDARD
Location: City Hall
Jury: JURY
Case Type: PERSONAL INJURY - OTHER
Status: WAITING TO LIST CASE MGMT CONF

Related Cases

No related cases were found.

Case Event Schedule

No case events were found.

Case motions

No case motions were found.



Case Parties



Seq #	Assoc	Expn Date	Type	Name
1			ATTORNEY FOR PLAINTIFF	PANSINI, MICHAEL O
Address:	PANSINI & MEZROW 1525 LOCUST ST 15TH FLOOR PHILADELPHIA PA 19102 (215)732-5555	Aliases:	none	
2	1		PLAINTIFF	DUCZKOWSKI, STEPHEN
Address:	7 CRAIG DRIVE	Aliases:	none	

	LAUREL SPRINGS NJ 08021			
3	1		PLAINTIFF	DUCZKOWSKI, TONI
Address:	7 CRAIG DRIVE LAUREL SPRINGS NJ 08021	Aliases:	none	
4			DEFENDANT	NORDDEUTSCHE REEDEREI
Address:	ROLANDSBRUECKE 4 HAMBURG 20095	Aliases:	none	
5			DEFENDANT	NORDDEUTSCHE REEDEREI H. SCHULDT GMBH & CO. KG
Address:	ROLANDSBRUECKE 4 HAMBURG 20095	Aliases:	none	
6			DEFENDANT	DIABLO FORTUNE INCORPORATED
Address:	TRUST COMPANY COMPLEX AJELTAKE ROAD AJELTAKE ISLAND MAJURO MH96960	Aliases:	none	
7			DEFENDANT	SIVA SHIPS INTERNATIONAL
Address:	PTE LTD. 8 TEMASEK BLVD. #22-02 SUNTEC TOWER THREE SINGAPORE 038988	Aliases:	none	
8			DEFENDANT	SIVA SHIPPING

Address:	PTE LTD 8 TEMASEK BLVD. #22-02 SUNTEC TOWER THREE SINGAPORE 038988	Aliases:	none	
9			DEFENDANT	STEALTH MARITIME CORP.
Address:	331 KIFISIAS AVENUE KIFISIA 14561	Aliases:	none	
10			TEAM LEADER	RAU, LISA M
Address:	ROOM 593 CITY HALL PHILADELPHIA PA 19107 (215)686-3768	Aliases:	none	

Docket Entries

Filing Date/Time	Docket Type	Filing Party	Disposition Amount	Approval/Entry Date
25-AUG-2014 10:08 AM	ACTIVE CASE			25-AUG-2014 10:15 AM
Docket Entry:	E-Filing Number: 1408045226			
25-AUG-2014 10:08 AM	COMMENCEMENT CIVIL ACTION JURY	PANSINI, MICHAEL O		25-AUG-2014 10:15 AM
Documents:	 Click link(s) to preview/purchase the documents Final Cover		 Click HERE to purchase all documents related to this one docket entry	
Docket Entry:	none.			
25-AUG-2014 10:08 AM	COMPLAINT FILED NOTICE GIVEN	PANSINI, MICHAEL O		25-AUG-2014 10:15 AM

Documents:	 Click link(s) to preview/purchase the documents Complaint.pdf				 Click HERE to purchase all documents related to this one docket entry
Docket Entry:	COMPLAINT WITH NOTICE TO DEFEND WITHIN TWENTY (20) DAYS AFTER SERVICE IN ACCORDANCE WITH RULE 1018.1 FILED.				
25-AUG-2014 10:08 AM	SHERIFF'S SURCHARGE 6 DEFTS	PANSINI, MICHAEL O		25-AUG-2014 10:15 AM	
Docket Entry:	none.				
25-AUG-2014 10:08 AM	JURY TRIAL PERFECTED	PANSINI, MICHAEL O		25-AUG-2014 10:15 AM	
Docket Entry:	12 JURORS REQUESTED.				
25-AUG-2014 10:08 AM	WAITING TO LIST CASE MGMT CONF	PANSINI, MICHAEL O		25-AUG-2014 10:15 AM	
Docket Entry:	none.				

[▶ Case Description](#)[▶ Related Cases](#)[▶ Event Schedule](#)[▶ Case Parties](#)[▶ Docket Entries](#)[Search Home](#)

EXHIBIT “D”

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

STEPHEN DUCZKOWSKI and
TONI DUCZKOWSKI, h/w,
Plaintiffs,

vs.

NORDDEUTSCHE REEDEREI, and
NORDDEUTSCHE REEDEREI H
SCHULDT GMBH & CO., KG, and
DIABLO FORTUNE INCORPORATED,
and SIVA SHIPS INTERNATIONAL,
and SIVA SHIPPING, and
STEALTH MARITIME CORP.
Defendants

CIVIL ACTION

No. _____

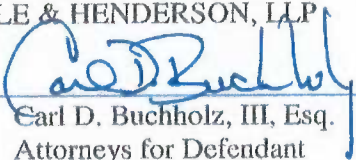
CONSENT/JOINDER TO REMOVAL

Diablo Fortune Inc., (improperly named in the Complaint as "Diablo Fortune Incorporated) a Co-Defendant in this action, consents/joins in the Notice of Removal by Defendant Norddeutsche Reederei H. Schuldt GmbH & Co. KG., (improperly named in the Complaint as "Norddeutsche Reederei", an entity which does not exist) to which this Consent/Joinder is attached.

Respectfully submitted,

RAWLE & HENDERSON, LLP

By:


Carl D. Buchholz, III, Esq.
Attorneys for Defendant
Diablo Fortune Inc.

Dated: September 16, 2014

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

STEPHEN DUCZKOWSKI and
TONI DUCZKOWSKI, h/w,

Plaintiffs,

vs.

NORDDEUTSCHE REEDEREI, and
NORDDEUTSCHE REEDEREI H
SCHULDt GMBH & CO., KG, and
DIABLO FORTUNE INCORPORATED,
and SIVA SHIPS INTERNATIONAL,
and SIVA SHIPPING, and
STEALTH MARITIME CORP.

Defendants

CIVIL ACTION

No. _____

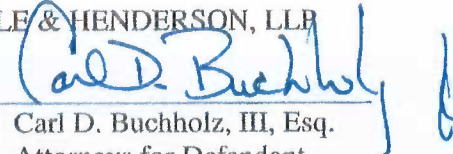
CONSENT/JOINDER TO REMOVAL

Siva Ships International Pte., Ltd. (improperly named in the Complaint as "Siva Ships International"), a Co-Defendant in this action, consents/joins in the Notice of Removal by Defendant Norddeutsche Reederei H. Schuldt GmbH & Co. KG., (improperly named in the Complaint as "Norddeutsche Reederei", an entity which does not exist) to which this Consent/Joinder is attached.

Respectfully submitted,

RAWLE & HENDERSON, LLP

By:


Carl D. Buchholz, III, Esq.
Attorneys for Defendant
Siva Ships International Pte. Ltd.

Dated: September 16, 2014

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

STEPHEN DUCZKOWSKI and
TONI DUCZKOWSKI, h/w,
Plaintiffs,

vs.

NORDDEUTSCHE REEDEREI, and
NORDDEUTSCHE REEDEREI H
SCHULTD GMBH & CO., KG, and
DIABLO FORTUNE INCORPORATED,
and SIVA SHIPS INTERNATIONAL,
and SIVA SHIPPING, and
STEALTH MARITIME CORP.
Defendants

CIVIL ACTION

No. _____

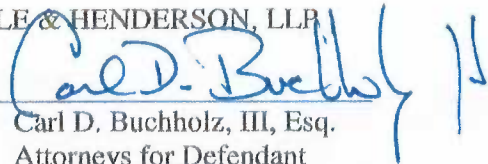
CONSENT/JOINDER TO REMOVAL

Siva Shipping, a Co-Defendant in this action, consents/joins in the Notice of Removal by Defendant Norddeutsche Reederei H. Schuldt GmbH & Co. KG., (improperly named in the Complaint as "Norddeutsche Reederei", an entity which does not exist) to which this Consent/Joinder is attached.

Respectfully submitted,

RAWLE & HENDERSON, LLP

By:


Carl D. Buchholz, III, Esq.
Attorneys for Defendant
Siva Shipping

Dated: September 16, 2014

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

STEPHEN DUCZKOWSKI and
TONI DUCZKOWSKI, h/w,
Plaintiffs,

vs.

NORDDEUTSCHE REEDEREI, and
NORDDEUTSCHE REEDEREI H
SCHULDt GMBH & CO., KG, and
DIABLO FORTUNE INCORPORATED,
and SIVA SHIPS INTERNATIONAL,
and SIVA SHIPPING, and
STEALTH MARITIME CORP.
Defendants

CIVIL ACTION

No. _____

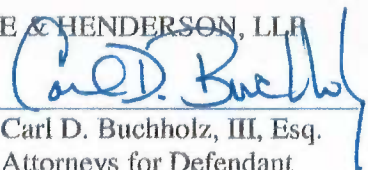
CONSENT/JOINDER TO REMOVAL

Stealth Maritime Corp., a Co-Defendant in this action, consents/joins in the Notice of Removal by Defendant Norddeutsche Reederei H. Schuldt GmbH & Co. KG., (improperly named in the Complaint as "Norddeutsche Reederei", an entity which does not exist) to which this Consent/Joinder is attached.

Respectfully submitted,

RAWLE & HENDERSON, LLP

By: _____


Carl D. Buchholz, III, Esq.
Attorneys for Defendant
Stealth Maritime Corp.

Dated: September 16, 2014

EXHIBIT “E”

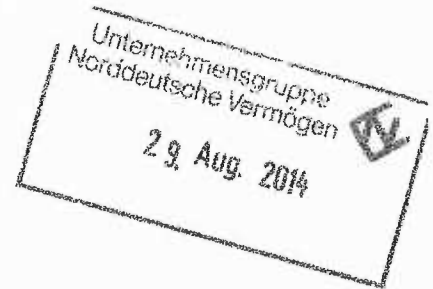
PANSINI & MEZROW
ATTORNEYS AT LAW
15TH FLOOR
1525 LOCUST STREET
PHILADELPHIA, PENNSYLVANIA 19102

(215) 732-5555
(215) 732-5550

FAX (215) 732-7872

MICHAEL O. PANSINI*
STEVEN M. MEZROW**
GREGORY J. KOWALSKI
ADAM C. DAVIS**

*ALSO MEMBER OF N.J. NY & DC BARS
**ALSO MEMBER OF NJ BAR



August 25, 2014

VIA CERTIFIED MAIL AND REGULAR MAIL

Norddeutsche Reederei H. Schuldt GMBH & Co. KG
Rolandsbruecke 4
Hamburg, 20095 Germany

**RE: Stephen Duczkowski and Toni Duczkowski v. Norddeutsche
Reederei, Norddeutsche Reederei H. Schuldt GMBH & Co. KG,
Diablo Fortune Incorporated, Siva Ships International, Siva
Shipping and Stealth Maritime Corp.
Phila.C.C.P. August Term, 2014, No. 02923**

Dear Sir/Madam:

Attached please find a copy of a Complaint filed against you with the Philadelphia County Court of Common Pleas in the above-captioned matter. You have twenty (20) days from the date of service to answer this Complaint. If you do not answer the Complaint, a default judgment may be entered against you.

Very truly yours,

PANSINI & MEZROW

MICHAEL O. PANSINI

MOP/kas
Enclosure

Court of Common Pleas of Philadelphia County
Trial Division
Civil Cover Sheet

For Prothonotary Use Only (Docket Number)

AUGUST 2014**002923**

Filing Number: 1408045226

PLAINTIFF'S NAME STEPHEN DUCZKOWSKI		DEFENDANT'S NAME NORDDEUTSCHE REEDEREI	
PLAINTIFF'S ADDRESS 7 CRAIG DRIVE LAUREL SPRINGS NJ 08021		DEFENDANT'S ADDRESS ROLANDBRUECKE 4 HAMBURG 20095	
PLAINTIFF'S NAME TONI DUCZKOWSKI		DEFENDANT'S NAME NORDDEUTSCHE REEDEREI H. SCHULTZ GMBH & CO. KG	
PLAINTIFF'S ADDRESS 7 CRAIG DRIVE LAUREL SPRINGS NJ 08021		DEFENDANT'S ADDRESS ROLANDBRUECKE 4 HAMBURG 20095	
PLAINTIFF'S NAME		DEFENDANT'S NAME DIABLO FORTUNE INCORPORATED	
PLAINTIFF'S ADDRESS		DEFENDANT'S ADDRESS TRUST COMPANY COMPLEX AJELTAKE ROAD AJELTAKE ISLAND MAJURO MH96960	
TOTAL NUMBER OF PLAINTIFFS 2	TOTAL NUMBER OF DEFENDANTS 6	COMMENCEMENT OF ACTION <input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Petition Action <input type="checkbox"/> Notice of Appeal <input type="checkbox"/> Writ of Summons <input type="checkbox"/> Transfer From Other Jurisdictions	
AMOUNT IN CONTROVERSY <input type="checkbox"/> \$50,000.00 or less <input checked="" type="checkbox"/> More than \$50,000.00	COURT PROGRAMS <input type="checkbox"/> Arbitration <input type="checkbox"/> Mass Tort <input type="checkbox"/> Commerce <input type="checkbox"/> Settlement <input checked="" type="checkbox"/> Jury <input type="checkbox"/> Savings Action <input type="checkbox"/> Minor Court Appeal <input type="checkbox"/> Minors <input type="checkbox"/> Non-Jury <input type="checkbox"/> Petition <input type="checkbox"/> Statutory Appeals <input type="checkbox"/> W/D/Survival <input type="checkbox"/> Other:		
CASE TYPE AND CODE 20 - PERSONAL INJURY - OTHER			
STATUTORY BASIS FOR CAUSE OF ACTION			
RELATED PENDING CASES (LIST BY CASE CAPTION AND DOCKET NUMBER)		FILED PRO PROTHY AUG 25 2014 D. SAVAGE	
		IS CASE SUBJECT TO COORDINATION ORDER? YES NO	
TO THE PROTHONOTARY: Kindly enter my appearance on behalf of Plaintiff/Petitioner/Appellant: <u>STEPHEN DUCZKOWSKI , TONI DUCZKOWSKI</u> Papers may be served at the address set forth below.			
NAME OF PLAINTIFF'S/PETITIONER'S/APPELLANT'S ATTORNEY MICHAEL O. PANSINI		ADDRESS PANSINI & MEZROW 1525 LOCUST ST 15TH FLOOR PHILADELPHIA PA 19102	
PHONE NUMBER (215) 732-5555	FAX NUMBER (215) 732-7872		
SUPREME COURT IDENTIFICATION NO. 44455		E-MAIL ADDRESS MPansini@Pansinilaw.com	
SIGNATURE OF FILING ATTORNEY OR PARTY MICHAEL PANSINI		DATE SUBMITTED Monday, August 25, 2014, 10:08 am	

FINAL COPY (Approved by the Prothonotary Clerk)

COMPLETE LIST OF DEFENDANTS:

1. STEALTH MARITIME CORP.
331 KIFISIAS AVENUE
KIFISIA 14561
2. SIVA SHIPPING
PTE LTD 8 TEMASEK BLVD. #22-02 SUNTEC TOWER THREE
SINGAPORE 038988
3. SIVA SHIPS INTERNATIONAL
PTE LTD. 8 TEMASEK BLVD. #22-02 SUNTEC TOWER THREE
SINGAPORE 038988
4. DIABLO FORTUNE INCORPORATED
TRUST COMPANY COMPLEX AJELTAKE ROAD AJELTAKE ISLAND
MAJURO MH96960
5. NORDDEUTSCHE REEDEREI H. SCHULDT GMBH & CO. KG
ROLANDSBUECKE 4
HAMBURG 20095
6. NORDDEUTSCHE REEDEREI
ROLANDSBUECKE 4
HAMBURG 20095

PANSINI & MEZROW
 BY: MICHAEL O. PANSINI, ESQUIRE
 I.D. #44455
 BY: GREGORY J. KOWALSKI, ESQUIRE
 I.D. #54271
 1525 LOCUST STREET
 15TH FLOOR
 PHILADELPHIA, PA 19102

THIS IS A MAJOR JURY TRIAL



Attorneys for Plaintiffs

STEPHEN DUCZKOWSKI
 and
 TONI DUCZKOWSKI, h/w
 7 Craig Drive
 Laurel Springs, NJ 08021

COURT OF COMMON PLEAS
 PHILADELPHIA COUNTY

vs.

NORDDEUTSCHE REEDEREI
 Rolandsbruecke 4
 Hamburg, 20095 Germany
 and
 NORDDEUTSCHE REEDEREI H.
 SCHULTZ GMBH & CO. KG
 Rolandsbruecke 4
 Hamburg, 20095 Germany

COMPLAINT AND JURY DEMAND

and
 DIABLO FORTUNE INCORPORATED
 Trust Company Complex
 Ajeltake Road
 Ajeltake Island, Majuro, MH96960,
 Marshall Islands

No.:

and
 SIVA SHIPS INTERNATIONAL
 Pte Ltd, 8 Temasek Blvd.
 # 22-02 Suntec Tower Three
 Singapore – 038988
 and
 SIVA SHIPPING
 Pte Ltd, 8 Temasek Blvd.
 # 22-02 Suntec Tower Three
 Singapore – 038988

(CONTINUED)

and
STEALTH MARITIME CORP.
331 Kifisias Ave.
14561 Kifisia, Greece

:
:
:
:
:

CIVIL ACTION COMPLAINT - NOTICE TO DEFEND
20- OTHER PERSONAL INJURY

YOU HAVE BEEN SUED IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIMS SET FORTH IN THE FOLLOWING PAGES, YOU MUST TAKE ACTION WITHIN TWENTY (20) DAYS AFTER THIS COMPLAINT AND NOTICE ARE SERVED, BY ENTERING A WRITTEN APPEARANCE PERSONALLY OR BY AN ATTORNEY AND FILING IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. YOU ARE WARNED THAT IF YOU FAIL TO DO SO THE CASE MAY PROCEED WITHOUT YOU AND A JUDGMENT MAY BE ENTERED AGAINST YOU BY THE COURT WITHOUT FURTHER NOTICE FOR ANY MONEY CLAIMED OR FOR ANY OTHER CLAIM OR RELIEF REQUESTED BY THE PLAINTIFF. YOU MAY LOSE MONEY OR PROPERTY OR OTHER RIGHTS IMPORTANT TO YOU.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Philadelphia Bar Association
Lawyer Referral and Information Service
One Reading Center
Philadelphia, Pennsylvania 19107
(215) 238-1701

LE HAN DEMANDADO A USTED EN LA CORTE. SI USTED QUIERE DEFENDERSE DE ESTAS DEMANDAS EXPUESTAS EN LAS PAGINAS SIGUIENTES, USTED TIENE VIENTE (20) DIAS, DE PLAZO AL PARTIR DE LA FECHA DE LA DEMANDA Y LA NOTIFICACION. HACE FALTA ASENTAR UNA COMPARENCIA ESCRITA O EN FORMA ESCRITA SUS DEFENSAS O SUS OBJECIONES A LAS DEMANDAS EN CONTRA DE SU PERSONA. SEA AVISADO QUE SI USTED NO SE DEFIENDE, LA CORTE TOMARA MEDIDAS Y PUEDE CONTINUAR LA DEMANDA EN CONTRA SUYA SIN PREVIO AVISO O NOTIFICACION. ADEMÁS, LA CORTE PUEDE DICHIR A FAVOR DEL DEMANDANTE Y REQUIERE QUE USTED CUMPLA CON TODAS LAS PROVISIONES DE ESTA DEMANDA. USTED PUEDE PERDER DINERO O SUS PROPIEDADES U OTROS DERECHOS IMPORTANTES PARA USTED.

LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE. SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFICIENTE DE TELEFONO A LA OFICINA CUYA DIRECCION SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL.

Asociacion de Licenciados de Filadelfia
Servicio de Referencia e Informacion Legal
One Reading Center
Filadelfia, Pennsylvania 19107
(215) 238-1701

PANSINI & MEZROW
 BY: MICHAEL O. PANSINI, ESQUIRE
 I.D. #44455
 BY: GREGORY J. KOWALSKI, ESQUIRE
 I.D. #54271
 1525 LOCUST STREET
 15TH FLOOR
 PHILADELPHIA, PA 19102

THIS IS A MAJOR JURY TRIAL

Attorneys for Plaintiffs

STEPHEN DUCZKOWSKI
 and
 TONI DUCZKOWSKI, h/w
 7 Craig Drive
 Laurel Springs, NJ 08021

vs.

NORDDEUTSCHE REEDEREI
 Rolandsbruecke 4
 Hamburg, 20095 Germany
 and
 NORDDEUTSCHE REEDEREI H.
 SCHULDT GMBH & CO. KG
 Rolandsbruecke 4
 Hamburg, 20095 Germany

and
 DIABLO FORTUNE INCORPORATED
 Trust Company Complex
 Ajeltake Road
 Ajeltake Island, Majuro, MH96960,
 Marshall Islands

and
 SIVA SHIPS INTERNATIONAL
 Pte Ltd, 8 Temasek Blvd.
 # 22-02 Suntec Tower Three
 Singapore – 038988

and
 SIVA SHIPPING
 Pte Ltd, 8 Temasek Blvd.
 # 22-02 Suntec Tower Three
 Singapore – 038988

COURT OF COMMON PLEAS
 PHILADELPHIA COUNTY

COMPLAINT AND JURY DEMAND

No.:

(CONTINUED)

and :
STEALTH MARITIME CORP. :
331 Kifisias Ave. :
14561 Kifisia, Greece :

CIVIL ACTION COMPLAINT

1. Plaintiff, Stephen Duczkowski, is an adult individual residing at 7 Craig Drive, Laurel Springs, NJ 08021.

2. Plaintiff, Toni Duczkowski, is an adult individual residing at 7 Craig Drive, Laurel Springs, NJ 08021.

3. Defendant, Norddeutsche Reederei, is a business entity believed to be organized and existing under the laws of a foreign jurisdiction, with its primary place of business located at Rolandsbruecke 4, Hamburg, 20095 Germany.

4. Defendant, Norddeutsche Reederei H. Schuldt GmbH & Co. KG, is a business entity believed to be organized and existing under the laws of a foreign jurisdiction, with its primary place of business located at Rolandsbruecke 4, Hamburg, 20095 Germany.

5. Defendant, Diablo Fortune Incorporated, is a business entity believed to be organized and existing under the laws of a foreign jurisdiction, with its primary place of business located at Trust Company Complex, Ajeltake Road, Ajeltake Island, Majuro, MH96960, Marshall Islands.

6. Defendant, Siva Ships International, is a business entity believed to be organized and existing under the laws of a foreign jurisdiction, with its primary place of business located at Pte Ltd, 8 Temasek Blvd, # 22-02 Suntec Tower Three, Singapore – 038988.

7. Defendant, Siva Shipping, is a business entity believed to be organized and

existing under the laws of a foreign jurisdiction, with its primary place of business located at Pte Ltd, 8 Temasek Blvd, # 22-02 Suntec Tower Three, Singapore – 038988.

8. Defendant, Stealth Maritime Corp., is a business entity believed to be organized and existing under the laws of a foreign jurisdiction, with its primary place of business located at SEA, 331 Kifisias Ave., 14561, Kifisia, Greece.

9. At all times material hereto, Defendants, Norddeutsche Reederei and Norddeutsche Reederei H. Schuldt GmbH & Co. KG, owned, managed, operated, chartered, possessed, and/or controlled the M/V Cap Irene and acted by and through their employees, servants and/or agents who were in the course and scope of their employment, including but not limited to the crew of the M/V Cap Irene.

10. At all times material hereto, Defendants, Diablo Fortune Incorporated, Siva Ships International, Siva Shipping and Stealth Maritime Corp., owned, managed, operated, chartered, possessed, and/or controlled the M/V V8 Stealth II and acted by and through their employees, servants and/or agents who were in the course and scope of their employment, including but not limited to the crew of the M/V V8 Stealth II.

11. On or about March 13, 2013, the M/V Cap Irene was in navigable waters of the United States and moored at the Packer Avenue Terminal in Philadelphia, PA.

12. On or about March 13, 2013, and at all times mentioned herein, Plaintiff, Stephen Duczkowski, was an employee of Greenwich Terminals in the capacity of a longshoremen and was aboard the M/V Cap Irene as a business visitor in connection with the performance of cargo operations being conducted thereon.

13. On or about March 13, 2013, and at all times mentioned herein, the M/V V8 Stealth II was in navigable waters moving adjacent to the Packer Avenue Terminal in

Philadelphia, PA at a high rate of speed.

14. On or about March 13, 2013, Plaintiff, Stephen Duczkowski, while working in the course of performing his duties as aforesaid, was caused to sustain serious injuries while using the gangway of the M/V Cap Irene due to the carelessness and negligence of the Defendants, Norddeutsche Reederei, Norddeutsche Reederei H. Schuldt GmbH & Co. KG, Diablo Fortune Incorporated, Siva Ships International, Siva Shipping and Stealth Maritime Corp, by their agents, servants, workmen and employees.

15. By reason of the aforesaid negligence of the Defendants as hereinafter alleged, the Plaintiff, Stephen Duczkowski, suffered severe and permanent injuries to his head, neck, back, arms and legs; he also sustained severe and permanent injuries to the bones, muscles, tendons, ligaments, nerves and tissues of his head, neck, back, arms, elbows and legs; including but not limited to injuries to the traumatic brain injury, post traumatic headaches, concussion, cognitive deficits, fractures of nasal bones, septal fractures, anterior nasal spine fractures, rib fractures, hearing loss, eustachian tube dysfunction, vision dysfunction, hematuria, trauma to chest wall, depression, nervous shock and aggravation and/or exacerbation of all known and unknown preexisting medical conditions. The Plaintiff, Stephen Duczkowski, suffered internal injuries of an unknown nature; he suffered severe aches, pains, mental anxiety and anguish, and a severe shock to his entire nervous system, and other injuries the full extent of which are not yet known. He has in the past and will in the future undergo severe pain and suffering as a result of which he has been in the past and will in the future be unable to attend to his usual duties and occupation, all to his great financial detriment and loss. The Plaintiff, Stephen Duczkowski, believes and therefore avers that his injuries are permanent in nature.

16. As a result of the aforesaid occurrence, the Plaintiff, Stephen Duczkowski, has been compelled, in order to effectuate a cure for the aforesaid injuries, to expend large sums of money for medicine and medical attention and may be required to expend additional sums for the same purposes in the future.

17. As a result of the aforesaid occurrence, the Plaintiff, Stephen Duczkowski, has been prevented from attending to his usual and daily activities and duties, and may be so prevented for an indefinite time in the future, all to him great detriment and loss.

18. As a result of the aforesaid occurrence, the Plaintiff, Stephen Duczkowski, has suffered physical pain, mental anguish and humiliation and he may continue to suffer same for an indefinite period of time in the future.

COUNT I
STEPHEN DUCZKOWSKI v. DEFENDANTS, NORDDEUTSCHE REEDEREI AND
NORDDEUTSCHE REEDEREI H. SCHULTZ GMBH & CO. KG

19. Plaintiff, Stephen Duczkowski, hereby incorporates each of the averments contained in the previous averments in Plaintiffs' Complaint as if fully set forth herein at length.

20. The carelessness and negligence of the Defendants, Norddeutsche Reederei and Norddeutsche Reederei H. Schuldt GmbH & Co. KG, by and through its agents, servants, workmen and/or employees, consisted of the following:

- (a) failing to properly inspect the gangway and adjacent areas;
- (b) failing to warn invitees, such as Stephen Duczkowski of the defective and/or hazardous condition(s) concerning the gangway and adjacent areas of which it was aware or should have been aware;

- (c) failing to correct, remedy, repair and/or eliminate the defective and/or hazardous condition(s) of the gangway and adjacent areas of which it was aware or should have been aware;
- (d) failing to maintain the gangway and adjacent areas in a condition which would protect and safeguard persons lawfully upon the premises and prevent them from falling;
- (e) allowing and committing the aforesaid defect(s) to remain on or about the gangway and adjacent areas so as to constitute a menace, danger, nuisance, trap and/or hazard to persons lawfully upon the premises; and,
- (f) failing to properly affix said gangway.

21. Defendants, Norddeutsche Reederei and Norddeutsche Reederei H. Schuldt GmbH & Co. KG's negligence and conduct as described herein was a proximate cause of Plaintiff, Stephen Duczkowski's injuries.

WHEREFORE, Plaintiff, Stephen Duczkowski, demands judgment in his favor and against the Defendants, individually, jointly and severally, for a sum in excess of FIFTY THOUSAND (\$50,000.00) DOLLARS plus delay damages, interest and costs and brings this action to recover same.

COUNT II
STEPHEN DUCZKOWSKI v. DEFENDANTS,
DIABLO FORTUNE INCORPORATED, SIVA SHIPS INTERNATIONAL, SIVA
SHIPPING AND STEALTH MARITIME CORP.

22. Plaintiff, Stephen Duczkowski, hereby incorporates each of the averments contained in the previous averments in Plaintiffs' Complaint as if fully set forth herein at

length.

23. The carelessness and negligence of the Defendant, Diablo Fortune Incorporated, Siva Ships International, Siva Shipping and Stealth Maritime Corp, by and through its agents, servants, workmen and/or employees, consisted of the following:

- (a) operating the V8 Stealth II at an excessive speed;
- (b) operating the V8 Stealth II so as to create a large wake;
- (c) failing to properly train their crew in safe operation of the V. Stealth II;
- (d) failing to properly control and maintain the V8 Stealth II.

24. Defendants, Diablo Fortune Incorporated, Siva Ships International, Siva Shipping and Stealth Maritime Corp's negligence and conduct as described herein was the proximate cause of Plaintiff, Stephen Duczkowski's injuries.

WHEREFORE, Plaintiff, Stephen Duczkowski, demands judgment in his favor and against the Defendants, individually, jointly and severally, for a sum in excess of FIFTY THOUSAND (\$50,000.00) DOLLARS plus delay damages, interest and costs and brings this action to recover same.

COUNT III
TONI DUCZKOWSKI vs. ALL DEFENDANTS

25. Plaintiff, Toni Duczkowski, hereby incorporates each of the allegations contained in the previous averments in Plaintiffs' Complaint as if fully set forth herein at length.

26. Plaintiff, Toni Duczkowski, is the spouse of Stephen Duczkowski, and as such, has incurred expenses in the treatment of her spouse's injuries, and may in the

future be caused to incur additional expenses as she has in the past.

27. As a result of the occurrence aforesaid in the injuries averred aforesaid, the Plaintiff, Toni Duczkowski, to her great damage and loss, has been deprived of the society, companionship, services and assistance of her spouse, to which she is legally entitled.

WHEREFORE, Plaintiff, Toni Duczkowski, demands judgment in her favor and against the Defendants, individually, jointly and severally, for a sum in excess of FIFTY THOUSAND (\$50,000.00) DOLLARS plus delay damages, interest and costs and brings this action to recover same.

PANSINI & MEZROW

DATE: 8/25/14

**BY: /s/ Michael O. Pansini
MICHAEL O. PANSINI, ESQUIRE
Attorney for Plaintiffs**

COMMONWEALTH OF PENNSYLVANIA

:

SS

COUNTY OF PHILADELPHIA

:

Stephen Duczkowski, being duly sworn according to law, deposes and says that he is the Plaintiff in the foregoing action, and that the facts set forth in the Civil Action Complaint are true and correct to the best of her knowledge, information and belief. I understand that statements herein are made subject to the penalties of 18 Pa.C.S.A. §4904 relating to unsworn falsification to authorities.



DATE: 8-22-14